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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,015	12/09/2003	Rolf Honegger	068754-0292	2778
22428	7590	01/04/2006	EXAMINER	
FOLEY AND LARDNER LLP			HALPERN, MARK	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW				1731
WASHINGTON, DC 20007				

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/730,015	HONEGGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Halpern	1731	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 30 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-10 and 13-26 is/are pending in the application.  
 4a) Of the above claim(s) 13-25 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10, 26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2005, has been entered. Claim 1 is amended and claim 12 is cancelled.

Claims 13-25 remain withdrawn. Claims 1-10, 26, are under consideration.

### ***Claim Objections***

2) In order to make step a) and step b) more distinguished from the text of the claims, it is recommended that "step a" be replaced by - step a) - and "step b" be replaced by - step b) - in claim 1, lines 6, 10, 11; claim 3, line 1; claim 4 line 2; claim 5, line 2; claim 6, line 3; claim 9 lines 1, 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 1-10, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewecke (DE 196 00 348) (inventor is not named; applicant is Lewecke Maschinenbau GmbH, translated copy) in view of Liseec (5,873,922).

Claims 1-7, 9, 26: Lewecke discloses shelving for sheets of different types, including glass sheets. The system includes shelving for storage of remainders, which are stored in vertical compartments for vertical storage of sheets and of a material sheet vehicle with a sheet reception for vertical in-and-out storage and for vertical or horizontal or tilted transportation of sheets to and from processing installation. The system includes extracting the sheets from the storage, cutting the sheets, loading the sheets on the sheet vehicle for transport to processing installation, and placing the remainders back into the storage. The cutting of sheets takes place while the sheets are supported by the storage or while the sheets are out of the storage. The storing of sheets in and out takes place in a computer-controlled manner in a predetermined sequence (pgs. 2-7, and Figures 1-7). Lewecke does not disclose the glass plate sheet being scribed before dividing the sheet. Liseec discloses a process for dividing glass wherein the glass is scribed by multiple notches: such as X-notches, Y-notches, W-notches, the notches extending in different directions. The sheet of Liseec is then transported to a third station where the sheet is divided without any further notching (col. 7-8, lines 1-10). This reads on claimed severing and delivering of the glass sheet to a processing installation where the glass sheet is divided without further scribing. It would have been obvious to one skilled in the art at the time the invention was made, to combine the teachings of Lewecke and Liseec, because such a combination would

provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Lisec (col. 1, line 49 to col. 2, line 12).

Claim 8: upon delivery of the sheets the glass sheets are mechanically re-positioned, as required in the process.

Claim 10: a glass may also be withdrawn from the storage and delivered to the processing stage without dividing the glass into portions.

***Response to Amendment***

4) Applicant's arguments filed 11/30/2005, have been fully considered but they are not persuasive.

Applicants allege that the cited references, Lewecke and Lisec, do not disclose the invention, the references do not disclose loading scribed glass sheets in a predetermined sequence and transporting the sheets to glass processing station where it is divided into portions without further scribing.

Examiner responds that Lewecke does not disclose the glass plate sheet being scribed before dividing the sheet. Lisec, however, discloses a process for dividing glass wherein the glass is scribed by multiple notches: such as X-notches, Y-notches, W-notches, the notches extending in different directions. The sheet of Lisec is then transported to a third station where the sheet is divided without any further notching. This reads on claimed severing and delivering of the glass sheet to a processing installation where the glass sheet is divided without further scribing. It would have been obvious to combine the teachings of Lewecke and Lisec, because such a

combination would provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Lisec. Lewecke discloses the storing of sheets in and out takes place in a computer-controlled manner in a predetermined sequence.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern  
Primary Examiner  
Art Unit 1731